

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	
Rural Health Care Support Mechanism)	WC Docket No. 02-60
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	

ORDER

Adopted: April 2, 2007

Released: April 2, 2007

By the Acting Deputy Chief, Wireline Competition Bureau:

1. In this Order, we dismiss as moot the requests of the State of Louisiana Governor's Office (Louisiana), the Texas Education Agency (TEA), and the Louisiana Public Service Commission (Louisiana PSC) (collectively, Petitioners) for extensions of relief granted to areas affected by Hurricane Katrina by the Commission.¹

2. On August 29, 2005, Hurricane Katrina struck the Gulf Coast of the United States, causing significant damage in Alabama, Louisiana, and Mississippi.² On October 14, 2005, the Commission released an order modifying the Universal Service Fund program rules to more effectively target support to the disaster area and to people affected by Hurricane Katrina.³ The Commission responded on a limited, interim basis because swift and decisive action was necessary to ensure that schools and libraries, communities, health care providers, and low-income consumers continued to have access to needed telecommunications and information services.⁴

3. For the various support mechanisms, the Commission adopted the following temporary rules:

¹ See Letter from State of Louisiana, Governor's Office, to Kevin Martin, Federal Communications Commission (Nov. 1, 2005) (Louisiana Request); Letter from Shirley J. Neeley, Texas Education Agency, to Marlene H. Dortch, Federal Communications Commission (Nov. 1, 2005) (TEA Request); Letter from C. Dale Sittig, Louisiana Public Service Commission, to Kevin Martin, Federal Communications Commission (Apr. 10, 2006) (Louisiana PSC Request); see also *Federal-State Joint Board on Universal Service*, WC Docket Nos. 02-60, 03-109, CC Docket Nos. 96-45, 02-6, Order, 20 FCC Rcd 16883 (2005) (*Hurricane Katrina Order*).

² President Bush issued Major Disaster Declarations for these three states on that same day. See <http://www.fema.gov/news/disasters.fema> (retrieved April 2, 2007).

³ *Hurricane Katrina Order*, 20 FCC Rcd at 16883, 16884, para.1.

⁴ *Id.* at 16886, para. 5.

- For the low-income program, the Commission adopted Lifeline rules to provide households eligible for individual housing assistance under Federal Emergency Management Agency (FEMA) rules with temporary wireless telecommunications service. For the same eligible households, the Commission also adopted Link-Up rules to help pay the costs of reconnecting households to the telecommunications network.⁵
- For the rural health care program, the Commission adopted rules to allow rural and non-rural public and nonprofit health care providers to apply for support for advanced telecommunications and information services used for telemedicine applications.⁶
- For the schools and libraries program, also known as the E-rate program, the Commission opened a new application window to allow schools and libraries in the affected area and those serving increased numbers of students and patrons to re-submit their requests for E-rate funds for Funding Year 2005, and assigned the E-rate program's highest level of priority (*i.e.*, 90 percent) to schools and libraries in the Hurricane Katrina disaster area for Funding Year 2005 and Funding Year 2006.⁷

4. On March 1, 2006, the Commission released a second order extending certain steps taken in the *Hurricane Katrina Order*, including extending the filing window for E-rate Funding Year 2006, and waiving the two-in-five rule for Funding Year 2006 for schools and libraries in Louisiana, Mississippi, and Alabama that were directly affected by Hurricane Katrina.⁸ The Commission also extended the temporary federal Lifeline Katrina support by three months, until June 1, 2006.⁹

5. On November 1, 2005, Louisiana filed a petition requesting that the Commission extend the relief provided to those affected by Hurricane Katrina to participants in the schools and libraries, low income, and rural healthcare programs in Louisiana that were affected by Hurricane Rita,¹⁰ which struck the Louisiana and Texas Gulf Coasts on September 23, 2005.¹¹ Louisiana specifically requested that the Commission extend the Funding Year 2006 filing deadline for schools and libraries affected by Hurricane Rita.¹² Also on November 1, 2005, the TEA filed a petition requesting that the Commission allow all Texas public schools to apply for additional E-rate funding due to the devastation caused by both Hurricane Katrina and Hurricane Rita, and that the special Funding Year 2005 filing window be extended from 60 to 120 days.¹³ The TEA also requests a waiver of the *de minimis* standard, set forth in the *Hurricane Katrina Order*, which states that schools and libraries indirectly affected by Hurricane Katrina

⁵ See *id.* at 16887-95, paras. 8-24.

⁶ See *id.* at 16895-902, paras. 25-36.

⁷ See *id.* at 16902-11, paras. 37-53. In addition, for the high-cost program, the Commission clarified that carriers in the disaster area could use high-cost support funds received for high-cost areas in Alabama, Louisiana, and Mississippi to assist in reconstructing facilities damaged by Hurricane Katrina. See *id.* at 16911-12, paras. 54-56.

⁸ *Federal-State Joint Board on Universal Service*, WC Docket Nos. 02-60, 03-109, CC Docket Nos. 96-45, 02-6 Order, 21 FCC Rcd 2803, 2806-07, paras. 11-12 (2006) (*Hurricane Katrina Extension Order*). The two-in-five rule limits eligible entities to receiving support for internal connections services, except basic maintenance services, no more than twice every five funding years. 47 C.F.R. § 54.506(c).

⁹ *Hurricane Katrina Extension Order*, 21 FCC Rcd at 2807, paras. 14-15.

¹⁰ Louisiana Request at 1.

¹¹ President Bush issued Major Disaster Declarations for Louisiana and Texas on September 24, 2005. See <http://www.fema.gov/news/disasters.fema> (retrieved April 2, 2007).

¹² Louisiana Request at 1.

¹³ TEA Request at 1-2.

can submit requests for increased funding only if they experience an increase of at least 10 percent in the number of students or library patrons who are evacuees.¹⁴ On April 10, 2006, the Louisiana PSC filed a petition requesting that the Commission ask cellular telephone companies under the Commission's jurisdiction to provide at least two months of free service to their customers in the areas affected by Hurricane Rita.¹⁵

6. Due to the unprecedented nature of the damage and destruction caused by Hurricane Katrina, the Commission adopted temporary modifications to its rules to assist those affected by this natural disaster.¹⁶ The temporary modifications to the Commission's rules, including those which are the subject of Petitioners' requests for relief, adopted in the *Hurricane Katrina Order* have now expired.¹⁷ Therefore, we dismiss as moot the requests of Petitioners. Petitioners, however, can continue to avail themselves to the benefits of the E-rate, rural health care, and low-income programs established by the Communications Act of 1934, as amended, and the Commission's rules.¹⁸

7. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), the Request filed November 1, 2005, by the State of Louisiana, Governor's Office, the Request filed November 1, 2005, by the Texas Education Agency, and the Request filed April 10, 2006, by the Louisiana Public Service Commission ARE DISMISSED AS MOOT.

8. IT IS FURTHER ORDERED that, pursuant to authority delegated under sections 0.91, 0.291 and 1.102 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Renée R. Crittenden
Acting Deputy Chief
Wireline Competition Bureau

¹⁴ *Id.* at 2; *see also Hurricane Katrina Order*, 20 FCC Rcd at 16909-10, para. 51.

¹⁵ Louisiana PSC Request at 1.

¹⁶ *See Hurricane Katrina Order*, 20 FCC Rcd at 16885-86, para. 4.

¹⁷ *See Hurricane Katrina Extension Order*, 21 FCC Rcd at 2806, para. 11 (extending the Funding Year 2006 filing window until September 30, 2006, and waiving the two-in-five rule for Funding Year 2006), and at 2807, para. 14 (extending the provision of the federal Lifeline Katrina relief until June 1, 2006). The rural health care rules were in effect for Funding Year 2005, which closed on June 30, 2006. *Hurricane Katrina Order*, 20 FCC Rcd at 16901, para. 36. We note that many individuals and schools and libraries in Louisiana were directly or indirectly affected by both Hurricanes Katrina and Rita. Such schools and libraries would have been eligible for the E-rate relief provided in the *Hurricane Katrina Order*.

¹⁸ *See* 47 U.S.C. §§ 151 *et seq.*; 47 C.F.R. §§ 54.400 *et seq.* (low income program rules), 54.500 *et seq.* (E-rate program rules), 54.601 *et seq.* (rural health care program rules); *see also* USAC website, www.usac.org, for application information.